

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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STEPHANIE PRIERA, on behalf of	)	Case No.: 2:12-cv-00182-ECR-VCE
herself and all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	<b>STIPULATION AND Order</b>
vs.	)	<b>Consolidating Cases For all Purposes, And</b>
	)	<b>Appointing Interim Lead Plaintiffs and Lead</b>
AMAZON.COM, INC. d/b/a	)	<b>Counsel</b>
ZAPPOS.COM,	)	
	)	
Defendant.	)	<b>(Class Action)</b>

WHEREAS, there are three related security breach class action lawsuits against Defendant Amazon.com, Inc. d/b/a Zappos.com ("Zappos"), pending before this court: *Priera v. Zappos.com, Inc.*, Case No. 2:12-cv-00182-ECR-VCF, filed February 2, 2012; *Ree v. Amazon.com d/b/a Zappos.com, Inc.*, Case No. 3:12-cv-00072-RCJ-WGC, filed February 7, 2012; and *Simon, et. al. v. Amazon.com d/b/a Zappos.com, Inc.*, Case No. 2:12-cv-00232-JCM-RJJ, filed February 14, 2012;

WHEREAS, the three related security breach class actions arise out of the same transactions and occurrences, involving the same or substantially similar issues of law and fact, and therefore, should be consolidated for all purposes under Federal Rules of Civil Procedure, Rule 42(a);

WHEREAS, after meeting and conferring, plaintiffs' counsel agree that Ms. Priera, Mr. Ree, Ms. Simon, Ms. Vorhoff and Ms. Hasner should be appointed interim Lead Plaintiffs and Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.; Meiselman Denlea Packman Carton & Eberz, P.C. and Glancy Binkow & Goldberg LLP should be appointed interim Co-Lead Counsel, and Winner & Carson P.C. be appointed interim liaison counsel; and

NOW, THEREFORE, IT IS STIPULTED AND AGREED by Plaintiffs, through their respective counsel of record, as following, the terms which are hereby submitted to the Court for

approval.

## **I. CONSOLIDATION OF THE RELATED SECURITY BREACH CLASS ACTIONS**

1. Pursuant to Federal Rules of Civil Procedure, Rule 42(a), the following actions are related and should be consolidated for all purposes, including pre-trial proceedings and trial:

1. *Priera v. Zappos.com, Inc.*, (2:12-cv-00182-ECR-VCF) (filed 2/2/2012);
2. *Ree v. Amazon.com d/b/a Zappos.com, Inc.*, (3:12-cv-00072-RCJ-WGC) (filed 2/7/2012); and
3. *Simon, et. al. v. Amazon.com d/b/a Zappos.com, Inc.*, (2:12-cv-00232-JCM-RJJ) (filed 2/14/2012).

## **II. CAPTION OF THE CONSOLIDATED ACTION**

2. The caption of the consolidated action will be as follows:

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA	)	
IN RE ZAPPOS SECURITY BREACH	)	
LITIGATION	)	Lead Case No. 2:12-cv-00182- ECR-VCF
-----	)	
	)	[Related to 3:12-cv-00072 and
THIS DOCUMENT RELATES TO:	)	2:12-cv-00232]
	)	
ALL ACTIONS	)	(Class Action)
	)	

3. When a pleading is intended to be applicable to all actions governed by this Order, the words "All Actions" shall appear immediately after the words "This Document Relates to:" in the caption described above (e.g. No. 2:12-cv-00182-ECR-VCF, *Priera v. Zappos.com, Inc.*).

## **III. MASTER DOCKET**

4. A Master Docket and a Master File hereby are established for the above-consolidated proceedings and for all other related cases filed in or transferred to this Court. Separate dockets shall continue to be maintained for each of the individual actions hereby consolidated, and entries shall be made in the docket of each individual case in accordance with the regular procedures of the clerk of this Court, except as modified by this Order.

1           5.       When a pleading is filed and the caption shows that it is applicable to “All Actions,”  
2 the clerk shall file under pleading in the Master File and note such filing on the Master Docket. No  
3 further copies need be filed, and no other docket entries need be made.

4           6.       When a pleading is filed and the caption shows that it is to be applicable to fewer than  
5 all of the consolidated actions, the clerk will file such pleading in the Master File only, but shall  
6 docket such filing on the Master Docket and the docket of each applicable action.

7           7.       When a related case, which properly belongs as part of the In re Zappos Security  
8 Breach Litigation, is filed in this Court or transferred to this Court, the Clerk of this Court shall:  
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10                   (a)     Place a copy of this Order in the separate file for such action;

11                   (b)     Mail to the attorneys for the plaintiff(s) in the newly-filed or transferred case a  
12 copy of this Order and direct that this Order be served upon or mailed to any defendant(s) or their  
13 counsel in the newly-filed or transferred case; and  
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15                   (c)     Make an appropriate entry on the Master Docket. This Court requests the  
16 assistance of counsel in calling to the attention of the clerk of this Court the filing or transfer of any  
17 case which properly might be consolidated as part of the In re Zappos Security Breach Litigation.  
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19 **IV. ORGANIZATION OF LEAD PLAINTIFFS AND LEAD COUNSEL**

20           8.       Plaintiffs Ms. Prieria, Mr. Ree, Ms. Simon, Ms. Vorhoff and Ms. Hasner shall be  
21 appointed Lead Plaintiffs.

22           9.       The law firms of Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.;  
23 Meiselman Denlea Packman Carton & Eberz, P.C. and Glancy Binkow & Goldberg LLP shall be  
24 appointed interim Co-Lead Counsel for the Lead Plaintiffs in the consolidated case In re Zappos  
25 Security Breach Litigation.  
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27           10.      The law firm of Winner and Carson, P.C. shall be appointed interim liaison counsel in  
28 the consolidated case In re Zappos Security Breach Litigation.



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2  
3 Dated: February 29, 2012  
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Facsimile: (914) 517-5055

[Proposed] Interim Co-Lead Counsel

GLANCY BINKOW & GOLDBERG LLP

5 /s/ Marc L. Godino  
6 MARC L. GODINO, ESQ.

7 1925 Century Park East, Suite 2100  
8 Los Angeles, CA 90067  
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[Proposed] Interim Co-Lead Counsel

11 Dated: February 29, 2012

WINNER & CARSON P.C.

12 /s/ Brent Carson  
13 BRENT CARSON, ESQ.

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15 Las Vegas, NV 89101  
16 Telephone: (702) 471-1111  
17 Facsimile: (702) 471-0110

[Proposed] Interim Liaison Counsel

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19 **ORDER**

20 IT IS SO ORDERED.

21 DATED: March 6, 2012

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24 HONORABLE EDWARD C. REED, JR.  
25 UNITED STATES DISTRICT JUDGE  
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